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EXAMINER
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The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

- Claims 1-15 remain pending.

Claim Objections

Claims 1 and 4 are objected to because of the following informalities:

- Claim 1 line 3, "CID (channel identifier)" should read --channel identifier
  (CID)--

- Claim 1 line 7, claim 4 line 3 "PVCs" should read --private virtual circuits
  (PVCs)--

- Claim 4 line 5, "DSP (digital signal processor)" should read --digital signal
  processor (DSP)--

- Claim 4 line 8 "CPS" should read --common part sublayer (CPS)--

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

- In reference to claims 1, 4, 7, 10, 12-13

The phrase "substantially even distribution" in claim 1, 4, 7, 10, and 12-13

renders the claims indefinite. The term "substantially" is not defined by the claim, the

specification does not provide a standard for ascertaining the requisite degree, and one

of ordinary skill in the art would not be reasonably apprised of the scope of the

invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Paajanen et al. (US 7349404) in view of Chun et al. (US 7269181)

-   In reference to claim 1

In Figures 1, Paajanen et al. teaches a method for using ATM AAL2 switching

within a wireless access gateway that includes providing AAL2 CID (channel identifier)

switching in a wireless access gateway, the wireless access gateway having a plurality

of transcoders (3), the plurality of transcoders (3) having a subset of transcoders that

are available transcoders; allocating individual CIDs to transcoder channels on an as

needed basis without a fixed relationship between external PVCs and transcoder

channels; switching a call to any one respective transcoder (3) of available transcoders

(3); and transcoding the call from a first format to a second format in the respective

transcoder. (column 4 lines 5-36; column 5 lines 27-54)

Paajanen et al. does not teach establishing a substantially even distribution of

calls among the transcoders for an uneven call load on the external PVCs.

In Figure 2, Chun et al. teaches assigning resources from a resource pool on an

as needed basis so that there is a substantially even distribution of calls among the

resources for an uneven call load. (column 3 line 27-62)

It would have been obvious to a person of ordinary skill in the art at the time of

the invention to modify the system and method of Paajanen et al. to include establishing

a substantially even distribution of calls among the transcoders for an uneven call load

on the external PVCs as suggested by Chun et al. because having flexible access to a

resource pool of transcoders prevents a particular transcoder from becoming

overloaded as my happen if the resources are assigned on a permanent basis.

- In reference to claim 2

The combination of Paajanen et al. and Chun et al. teaches a system and

method that covers substantially all limitations of the parent claim. In Figures 1,

Paajanen et al. further teaches the switching of the call to any one respective

transcoder (3) of available transcoders (3) is a function of at least one predetermined

parameter, and wherein the at least one predetermined parameter comprises at least

one of a state of each respective transcoder (3), and a current load on the plurality of

transcoders. (column 5 lines 27-54)

- In reference to claim 3

The combination of Paajanen et al. and Chun et al. teaches a system and method that covers substantially all limitations of the parent claim. In Figures 1, Paajanen et al. further teaches the switching of the call to any one respective transcoder (3) of available transcoders (3) is on an as needed basis. (column 5 lines 27-54)

- In reference to claim 4

In Figure 1, Paajanen et al. teaches a method for using ATM AAL2 switching within a wireless access gateway that includes: terminating a plurality of external AAL2 PVCs at an intermediate node; setting up a set of internal AAL2 PVCs between the intermediate node and a set of transcoders (3) that form a plurality of DSP (digital signal processor) channels; allocating a respective DSP channel, of the plurality of DSP channels for a call as a function of at least one predetermined parameter; and instructing the intermediate node to switch individual AAL TYPE 2 CPS-packets of the new call from an external AAL2 PVC of the plurality of external AAL2 PVCs to an internal PVC of the set of internal AAL2 PVCs. (column 4 lines 5-36; column 5 lines 27-54)

Paajanen et al. does not teach establishing a substantially even distribution of calls among the transcoders for an uneven call load on the external PVCs.

In Figure 2, Chun et al. teaches assigning resources from a resource pool on an

as needed basis so that there is a substantially even distribution of calls among the

resources for an uneven call load. (column 3 line 27-62)

It would have been obvious to a person of ordinary skill in the art at the time of

the invention to modify the system and method of Paajanen et al. to include establishing

a substantially even distribution of calls among the transcoders for an uneven call load

on the external PVCs as suggested by Chun et al. because having flexible access to a

resource pool of transcoders prevents a particular transcoder from becoming

overloaded as my happen if the resources are assigned on a permanent basis.

-   In reference to claim 5

The combination of Paajanen et al. and Chun et al. teaches a system and

method that covers substantially all limitations of the parent claim. In Figures 1,

Paajanen et al. further teaches wherein at least one predetermined parameter

comprises at least one of a state of the transcoders, a current load on the transcoders,

and a state of the internal AAL2 PVCs. (column 5 lines 27-54)

-   In reference to claim 6

The combination of Paajanen et al. and Chun et al. teaches a system and

method that covers substantially all limitations of the parent claim. In Figures 1,

Paajanen et al. further teaches wherein the individual AAL TYPE 2 CPS- packets of the

new call from the external AAL2 PVC of the plurality of external AAL2 PVCs to the

internal PVC of the set of internal AAL2 PVCs at the CPS layer of AAL2 on an as

needed basis. (column 5 lines 27-54)

-   In reference to claim 7

In Figures 1, Paajanen et al. teaches a method for using ATM AAL2 switching

within a wireless access gateway that includes providing AAL2 C1D switching in a

wireless access gateway, the wireless access gateway having a plurality of DSPs (3)

acting as transcoders for digital representation of speech; allocating individual CIDs to

transcoder channels on an as need basis without a fixed relationship between external

PVCs and transcoder channels switching individual packets of a call to any one

respective DSP (3) of available DSPs (3), the available DSPs (3) being a subset of the

plurality of DSPs (3) and transcoding the packets of the call in the respective DSP (3)

from a first encoding to a second encoding. (column 4 lines 5-36; column 5 lines 27-54)

Paajanen et al. does not teach establishing a substantially even distribution of

calls among the DSPs for an uneven call load on the external PVCs.

In Figure 2, Chun et al. teaches assigning resources from a resource pool on an

as needed basis so that there is a substantially even distribution of calls among the

resources irrespective of any uneven call load. (column 3 line 27-62)

It would have been obvious to a person of ordinary skill in the art at the time of

the invention to modify the system and method of Paajanen et al. to include establishing

a substantially even distribution of calls among the DSPs for an uneven call load on the

external PVCs as suggested by Chun et al. because having flexible access to a

resource pool of DSPs prevents a particular DSP from becoming overloaded as my

happen if the resources are assigned on a permanent basis.

- In reference to claim 8

The combination of Paajanen et al. and Chun et al. teaches a system and

method that covers substantially all limitations of the parent claim. In Figures 1,

Paajanen et al. further teaches wherein the switching of individual packets to any one

respective DSP (3) of available DSPs (3) is a function of at least one predetermined

parameter, and wherein the at least one predetermined parameter comprises at least

one era state of the each of the transcoders, and a current load on the plurality of

transcoders. (column 5 lines 27-54)

- In reference to claim 9

The combination of Paajanen et al. and Chun et al. teaches a system and

method that covers substantially all limitations of the parent claim. In Figures 1,

Paajanen et al. further teaches wherein the switching of individual calls to any one

respective DSP (3) of available DSPs (3) is on an as needed basis. (column 5 lines 27-

54)

- In reference to claim 10

In Figures 1, Paajanen et al. teaches a method for using ATM AAL2 switching

within a wireless access gateway that includes allocating individual CIDs to transcoder

channels on an as needed basis without a fixed relationship between external PVCs

and transcoder channels; transcoding the call in the respective transcoder channel from

a first format to a second format. (column 4 lines 5-36; column 5 lines 27-54)

Paajanen et al. does not teach establishing a substantially even distribution of

calls among the transcoders for an uneven call load on the external PVCs.

In Figure 2, Chun et al. teaches assigning resources from a resource pool on an

as needed basis so that there is a substantially even distribution of calls among the

resources for an uneven call load. (column 3 line 27-62)

It would have been obvious to a person of ordinary skill in the art at the time of

the invention to modify the system and method of Paajanen et al. to include establishing

a substantially even distribution of calls among the transcoders for an uneven call load

on the external PVCs as suggested by Chun et al. because having flexible access to a

resource pool of transcoders prevents a particular transcoder from becoming

overloaded as my happen if the resources are assigned on a permanent basis.

-   In reference to claim 11

The combination of Paajanen et al. and Chun et al. teaches a system and

method that covers substantially all limitations of the parent claim. In Figures 1,

Paajanen et al. further teaches wherein the allocating of individual CIDs to transcoder

channels is a function of at least one predetermined parameter, and wherein the at least

one predetermined parameter comprises at least one of a state of the each of the

transcoders (3), and a current load on the all of the transcoders (3). (column 5 lines 27-54)

- In reference to claim 12

In Figures 1, Paajanen et al. teaches a system for using ATM AAL2 switching within a wireless access gateway that includes a plurality of external AAL2 PVCs; a plurality of internal AAL2 PVCs; a plurality of transcoders (3); at least one intermediate node operatively connected to the external AAL2 PVCs and to the internal AAL2 PVCs; a packet switch control operatively connected to the at least one intermediate node, the plurality of internal AAL2 PVCs and the transcoders; and wherein based upon an algorithm that takes into account at least a current state of each of the transcoders and a current load of all of the transcoders, the switch controller instructs the at least one intermediate node to switch individual AAL2 CPS-Packets from the external AAL2 PVCs to the internal AAL2 PVCs. (column 4 lines 5-36; column 5 lines 27-54)

Paajanen et al. does not teach establishing a substantially even distribution of calls among the transcoders for an uneven call load on the external PVCs.

In Figure 2, Chun et al. teaches assigning resources from a resource pool on an as needed basis so that there is a substantially even distribution of calls among the resources for an uneven call load. (column 3 line 27-62)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system and method of Paajanen et al. to include establishing a substantially even distribution of calls among the transcoders for an uneven call load

on the external PVCs as suggested by Chun et al. because having flexible access to a

resource pool of transcoders prevents a particular transcoder from becoming

overloaded as my happen if the resources are assigned on a permanent basis.

-    In reference to claim 13

In Figures 1, Paajanen et al. teaches a method for using ATM AAL2 switching

within a wireless access gateway that includes providing AAL2 CID switching in a

wireless access gateway, the wireless access gateway having a plurality of DSPs (3)

acting as transcoders for digital representation of speech; allocating individual CIDs to

transcoder channels on an as needed basis without a fixed relationship between

external PVCs and transcoder channels; switching individual digital representations of

speech of a call to any one respective DSP (3) of available DSPs (3), the available

DSPs (3) being a subset of the plurality of DSPs (3) and transcoding the digital

representations of speech of the call in the respective DSP (3) from a first encoding to a

second encoding. (column 4 lines 5-36; column 5 lines 27-54)

Paajanen et al. does not teach establishing a substantially even distribution of

calls among the transcoders for an uneven call load on the external PVCs.

In Figure 2, Chun et al. teaches assigning resources from a resource pool on an

as needed basis so that there is a substantially even distribution of calls among the

resources for an uneven call load. (column 3 line 27-62)

It would have been obvious to a person of ordinary skill in the art at the time of

the invention to modify the system and method of Paajanen et al. to include establishing

a substantially even distribution of calls among the transcoders for an uneven call load

on the external PVCs as suggested by Chun et al. because having flexible access to a

resource pool of transcoders prevents a particular transcoder from becoming

overloaded as my happen if the resources are assigned on a permanent basis.

- In reference to claim 14

The combination of Paajanen et al. and Chun et al. teaches a system and

method that covers substantially all limitations of the parent claim. In Figures 1,

Paajanen et al. further teaches wherein the switching of individual digital

representations of speech to any one respective DSP (3) of available DSPs (3) is a

function of at least one predetermined parameter, and wherein the at least one

predetermined parameter comprises at least one era state of the each of the DSPs (3),

and a usage level of the DSPs (3). (column 5 lines 27-54)

- In reference to claim 15

The combination of Paajanen et al. and Chun et al. teaches a system and

method that covers substantially all limitations of the parent claim. In Figures 1,

Paajanen et al. further teaches wherein the switching of individual digital

representations of speech to any one respective DSP (3) of available DSPs (3). (column

5 lines 27-54)

Response to Arguments

Applicant's arguments with respect to the rejection(s) of the independent claim(s) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are:

- US 6940829

- US 6937577

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN ROBERTS whose telephone number is (571)272-3095. The examiner can normally be reached on M-F 10:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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BSR
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